

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Goossens et. al.

Serial No.: To be assigned

Filed: September 18, 2003

For: THE USE OF GENES ENCODING
MEMBRANE TRANSPORTER PUMPS TO
STIMULATE THE PRODUCTION
SECONDARY METABOLITES IN
BIOLOGICAL CELLS

Examiner: To be assigned

Group Art Unit: To be assigned

Attorney Docket No.: 2676-6085US

NOTICE OF EXPRESS MAILING

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in

Attorney Docket No.: 2676-6085US

37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US - 5,239,044	08-24-1993	Cooper et al.
US - 5,552,307	09-03-1996	Kessler et al.
US - 5,599,977	02-04-1997	Kiely et al.
US - 5,831,043	11-03-1998	Fleche
US - 6,049,004	04-11-2000	Kiely et al.
US - 6,054,637	04-25-2000	Boller et al.
US - 6,069,009	05-30-2000	Pepin et al.
US - 6,166,290	12-26-2000	Rea et al.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
WO 98/21938	05-28-1998	Trustees of the Univ. of Pennsylvania
WO 99/10514	03-04-1999	North Carolina State Univ.
WO 00/18886	04-06-2000	Spalding et al.
WO 00/46383	08-10-2000	Memelink et al.
WO 01/07621 A2	02-01-2001	Institute for Genomic Research
WO 02/083888 A2	10-24-2002	Vlaams Interuniversitair Instituut

Other Documents

PCT International Search Report, PCT/EP02/04322, dated December 11, 2002.

BALZI et al., PDR5, a Novell Yeast Multidrug Resistance Conferring Transporter Controlled by the Transcription Regulator PDR1, The Journal of Biological Chemistry, January 21, 1994, pp. 2206-14, Vol. 269, No. 3.

DEL SORBO et al., Review, Fungal Transporters Involved in Efflux of Natural Toxic Compounds and Fungicides, Fungal Genetics and Biology, 2000, pp. 1-15, Vol. 30.

KLEIN et al., The ABC-like vacuolar transporter for rye mesophyll flavone glucuronides is not species-specific, Phytochemistry, 2001, pp. 153-59, Vol. 56.

KOLACZKOWSKI et al., Anticancer Drugs, Ionophoric Peptides, and Steroids as Substrates of the Yeast Multidrug Transporter Pdr5p, The Journal of Biological Chemistry, December 6, 1996, pp. 31543-48, Vol. 271, No. 49.

KOLACZKOWSKI et al., In Vivo Characterization of the Drug Resistance Profile of the Major ABC Transporters and Other Components of the Yeast Pleiotropic Drug Resistance Network, Microbial Drug Resistance, 1998, pp. 143-58, Vol. 4, No. 3.

THEODOULOU et al., Review, Plant ABC transporters, Biochimica et Biophysica Acta, 2000, pp. 79-103, Vol. 1465.

DATABASE SWISSPROT 'Online! EBI, JASINSKI et al., ABC1 protein, Abstract, XP-002221647.

DATABASE SWISSPROT 'Online! EBI, FEDERSPIEL et al., Putative ABC transporter, Abstract, XP-002221648.

DATABASE EMBL 'Online! EBI, SMART, S.polyrrhiza mRNA for PDR5-like ABC transporter, Abstract, XP-002221649.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56 & 1.175, Applicants offer hereby identifies the following listed copending applications naming the same inventor(s):

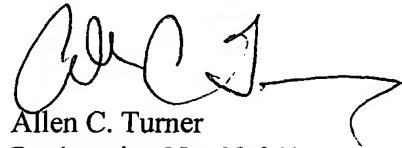
Attorney Docket No.: 2676-6085US

Attorney Docket No.: 2676-5585US
Serial No.: 10/331,152
Filing Date: 12/27/2002
Title: HETERLOGOUS GENE EXPRESSION IN PLANTS

Attorney Docket No.: 2676-6062US
Serial No.: 10/647,625
Filing Date: 8/25/2003
Title: PLANT STRESS-REGULATED GENES

This Information Disclosure Statement is filed within three (3) months of the filing date of the above-identified application, and no certification pursuant to 37 C.F.R. § 1.97(c) or a fee pursuant to 37 C.F.R. § 1.17(p) is required.

Respectfully submitted,



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Date: September 18, 2003
ACT/bv

Enclosures: Form PTO-1449 or PTO/SB/08
Cited Documents

Document in ProLaw

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

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Complete if Known

Application Number	To be assigned
Filing Date	September 18, 2003
First Named Inventor	Goossens et. al.
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	2676-6085US

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-5,239,044	08-24-1993	Cooper et al.	
		US-5,552,307	09-03-1996	Kessler et al.	
		US-5,599,977	02-04-1997	Kiely et al.	
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		US-6,166,290	12-26-2000	Rea et al.	
US-					

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)			
		WO 98/21938	05-28-1998	Trustees of the Univ. of Pennsylvania	
		WO 99/10514	03-04-1999	North Carolina State Univ.	
		WO 00/18886	04-06-2000	Spalding et al.	
		WO 00/46383	08-10-2000	Memelink et al.	
		WO 01/07621 A2	02-01-2001	Institute for Genomic Research	
		WO 02/083888 A2	10-24-2002	Vlaams Interuniversitair Instituut	

Examiner Signature	Date Considered
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet

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Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	2676-60851US

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PCT International Search Report, PCT/EP02/04322, dated December 11, 2002.	
		BALZI et al., PDR5, a Novell Yeast Multidrug Resistance Conferring Transporter Controlled by the Transcription Regulator PDR1, The Journal of Biological Chemistry, January 21, 1994, pp. 2206-14, Vol. 269, No. 3.	
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